



National Transport Commission (Road Transport Legislation — Vehicle Standards) Amendment Regulations 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 37

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Transport Commission Act 2003*.

Dated 15 February 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

JAMES ERIC LLOYD
Minister for Local Government, Territories and Roads

1 Name of Regulations

These Regulations are the *National Transport Commission (Road Transport Legislation — Vehicle Standards) Amendment Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Road transport legislation — vehicle standards

For section 7 of the *National Transport Commission Act 2003* (the NTC Act), Schedules 1 and 2 set out road transport legislation, in the form of amending Regulations, about vehicle standards.

Note 1 The road transport legislation set out in Schedules 1 and 2 does not have the force of law (see paragraph 7 (2) (a) of the NTC Act).

Note 2 These Regulations must be made in accordance with the Agreement (see subparagraph 3 (b) (ii) of the NTC Act).

Note 3 These Regulations are not subject to disallowance — see the *Legislative Instruments Act 2003*, subsection 44 (2) (table, item 44) and the *Legislative Instruments Regulations 2004*, regulation 8 and Schedule 2 item 7.

Note 4 These Regulations are not subject to sunseting — see the *Legislative Instruments Act 2003*, subsection 54 (2) (table, item 51) and the *Legislative Instruments Regulations 2004*, regulation 9 and Schedule 3 item 4.

Note 5 The text set out in Schedule 1 is that of the proposed *Road Transport Reform (Vehicle Standards) Amendment Regulations 2001 (No.)*. The proposed Regulations were drafted in the form of amending Regulations to be made under the *Road Transport Reform (Vehicles and Traffic) Act 1993*, but were not actually made as Regulations. In that form, they were approved by the Australian Transport Council on 3 September 2001.

Note 6 The text set out in Schedule 2 is that of the proposed *Australian Vehicle Standards Amendment Rules 2002 (No)*. The proposed Rules were drafted in the form of amending Regulations to be made under the *Road Transport Reform (Vehicles and Traffic) Act 1993*, but were not actually made as Regulations. In that form, they were approved by the Australian Transport Council on 10 January 2003.

**4 Amendment of *National Transport Commission
(Road Transport Legislation — Vehicle Standards)
Regulations 2006***

- (1) Schedule 1 amends the texts set out in Schedules 1 and 2 to the *National Transport Commission (Road Transport Legislation — Vehicle Standards) Regulations 2006* as if:
 - (a) a reference in Schedule 1 to a provision of the *Road Transport Reform (Vehicle Standards) Regulations 1999* were a reference to the corresponding provision in the text set out in Schedule 1 to those Regulations; and
 - (b) a reference in Schedule 1 to a provision of the *Australian Vehicle Standards Rules 1999* were a reference to the corresponding provision in the text set out in Schedule 2 to those Regulations.
- (2) Schedule 2 amends the text set out in Schedule 2 to those Regulations as if a reference in Schedule 2 to a provision of the *Australian Vehicle Standards Rules 1999* were a reference to the corresponding provision in the text set out in Schedule 2 to those Regulations.

**Schedule 1 Text of the proposed *Road
Transport Reform (Vehicle
Standards) Amendment
Regulations 2001 (No.)***
(regulations 3 and 4)

1 Name of Regulations

These Regulations are the *National Transport Commission
(Road Transport Legislation — Vehicle Standards) Amendment
Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence on gazettal.

3 Amendments

- (1) Schedule 1 amends the *Australian Vehicle Standards Rules 1999*.
- (2) Schedule 2 amends the *Road Transport Reform (Vehicle Standards) Regulations 1999*.

Schedule 1 Amendments of the *Australian Vehicle Standards Rules 1999*

(subregulation 3 (1))

[1] Part 10, Division 1, heading
substitute

Division 1 Crank case gases and exhaust emissions

[2] Rule 146, heading
substitute

146 Crank case gases — certain petrol-powered vehicles

[3] Rule 147, heading
substitute

147 Visible exhaust emissions — vehicles with internal combustion engines

[4] After rule 147
insert

147A Exhaust emissions — diesel-powered vehicles

- (1) This rule applies to registered passenger vehicles, omnibuses and goods vehicles:
 - (a) powered by diesel engines; and
 - (b) meeting the criteria for an M-category or N-category vehicle under the Australian Design Rules.

(2) In this rule:

vehicle test mass for a vehicle means:

- (a) if the vehicle is a prime mover — half the sum of its tare mass and its GCM; or
- (b) in any other case — half the sum of its tare mass and its GVM.

Note The **vehicle test mass** is the load applied to the dynamometer, while the vehicle is under test, to simulate half-payload operation.

- (3) For subrule (4), a vehicle is taken to have been manufactured in the month shown on its compliance plate (that is, the plate, of the kind referred to in section 10A of the *Motor Vehicle Standards Act 1989*, affixed or taken to be affixed to the vehicle) as its month of manufacture.
- (4) When a vehicle is tested in accordance with the procedure described in Schedule 1 by means of test equipment that complies with the specification mentioned in subrule (5):
 - (a) the vehicle must not emit oxides of nitrogen (NO_x) at a rate (measured in grams of NO_x emitted per kilometre travelled per tonne of the vehicle's test mass) greater than that specified for the vehicle according to its GVM rating and age in the following table:

Vehicle's GVM rating (t)	Rate of NO _x emissions (g/km/t)	
	Vehicle manufactured in December 1995 or earlier	Vehicle manufactured in January 1996 or later
not greater than 3.5	1.5	1.5
more than 3.5 but not greater than 12	2.0	2.0
more than 12 but not greater than 25	2.0	1.5
more than 25	1.5	1.2;

and

- (b) the vehicle must not emit particles at a rate (measured in grams of particles emitted per kilometre travelled per tonne of the vehicle's test mass) greater than that specified for the vehicle according to its GVM rating and age in the following table:

Vehicle's GVM rating (t)	Rate of particle emission (g/km/t)	
	<i>Vehicle manufactured in December 1995 or earlier</i>	<i>Vehicle manufactured in January 1996 or later</i>
not greater than 3.5	0.23	0.23
more than 3.5 but not greater than 12	0.23	0.15
more than 12 but not greater than 25	0.08	0.05
more than 25	0.07	0.03;

and

- (c) the opacity of the exhaust gas emitted by the vehicle must not be greater than 25% (averaged over a DT 80 test cycle in the way described or referred to in the specification).
- (5) The specification for subrule (4) is that set out in the document known as *Technical and functional specification for a diesel vehicle emissions measuring system*, published by the National Road Transport Commission from time to time (as far as that specification requires particular values of measurement capability, accuracy and stability).

[5] After Part 14*insert***Schedule 1 DT80 transient test procedure
for testing of diesel-fuelled
vehicle exhaust emissions**

(rule 147A)

- 1 Secure the vehicle on the dynamometer.
- 2 Set the dynamometer to simulate the correct load and inertia for the vehicle.
- 3 Start sampling.
- 4 Idle for 60 seconds.
- 5 Accelerate rapidly to 80 km/hr under simulated inertia using wide open throttle, making gear changes as required for smooth acceleration.
- 6 Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.
- 7 Idle for 10 seconds.
- 8 Accelerate rapidly to 80 km/hr under simulated inertia, using wide open throttle, making gear changes as required for smooth acceleration.
- 9 Decelerate by removing all pressure from the accelerator pedal, disengaging the gears and gently applying brakes to bring the vehicle to a standstill.
- 10 Idle for 10 seconds.
- 11 Accelerate rapidly to 80 km/hr under simulated inertia using wide open throttle, making gear changes as required for smooth acceleration.

12 Maintain speed at 80 km/hr for 60 seconds, then stop sampling.
Bring the vehicle to rest.

Note Explanation of the test procedure

This test has been designed to evaluate vehicle emissions during typical 'real-world' operating modes and conditions. There are 3 simple modes:

- 3 idle periods
- acceleration to 80 km/h 3 times
- maintain speed at 80 km/h.

The graph below indicates the modes of operation. The actual test will result in a graph that has more variation than the indicative graph below, because of the need to change gears when accelerating. Modes B – D and E – G and H – I have no specific time interval. All the specified time periods have an error margin of ± 1 second.

The vehicle is accelerated rapidly to 80 km/h 3 times by applying wide-open throttle.

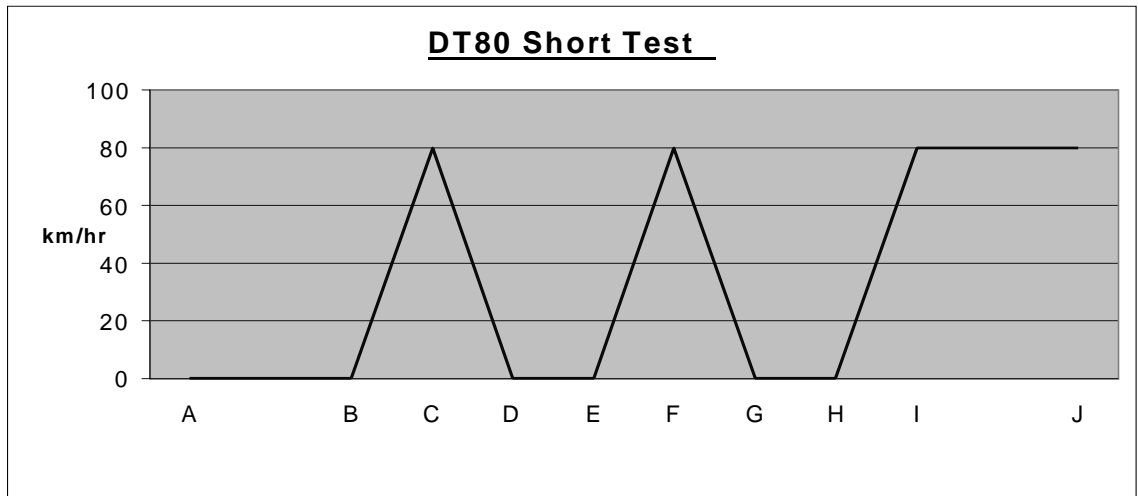
The driver selects the most appropriate gear change points for the vehicle being tested to achieve the correct speed.

The vehicle test mass for road load and inertia settings must be equal to the mass of the vehicle when operating with $\frac{1}{2}$ its nominal payload (that is, GVM + tare mass) $\div 2$).

The vehicle's rolling resistance (based on tyre and bearing losses, frontal area and drag coefficient) must also be calculated and continuously factored into the dynamometer tractive effort calculations to ensure correct loading.

Empirical algorithms, based on vehicle test mass, GVM or other known parameters, may be used to automatically calculate realistic coefficients for these variables.

A simplified indicative graph produced by a test follows.



[6] Dictionary, after definition of *front fog light*

insert

GCM or **gross combination mass** of a motor vehicle means the greatest possible sum of the maximum loaded mass of the motor vehicle and any vehicle or vehicles that may be towed by it at the same time:

- (a) as specified by the motor vehicle's manufacturer on an identification plate on the motor vehicle; or
- (b) if there is no such specification on an identification plate on the motor vehicle, or there is such a specification on a plate on the motor vehicle but the specification is not appropriate because the motor vehicle has been modified — as certified by the registration authority.

[7] Dictionary, after definition of *tandem axle group*

insert

tare mass of a vehicle means its unladen mass (however described).

**Schedule 2 Amendments of the *Road
Transport Reform (Vehicle
Standards) Regulations 1999***

(subregulation 3 (2))

[1] Subregulation 16 (1)

substitute

- (1) The Minister may, under section 17 of the Act, declare that a specified person or vehicle is exempt from a specified requirement of:
- (a) a provision of these Regulations; or
 - (b) a provision, other than regulation 147A, of the Vehicle Standards.

[2] After subregulation 21 (3)

insert

- (4) In relation to an exemption from the provisions of rule 147A of the *Australian Vehicle Standards Rules 1999*, this Division has effect subject to Division 5.

[3] Part 4, after Division 4*insert***Division 5 Special provisions about
exemptions from rule 147A of the
*Australian Vehicle Standards
Rules 1999*****40A Exemptions from rule 147A of the *Australian Vehicle
Standards Rules 1999***

- (1) Subject to this Division, Divisions 1 to 4 of this Part apply in relation to the exemption of a vehicle from compliance with the standards in rule 147A of the *Australian Vehicle Standards Rules 1999*.
- (2) Despite subregulation 21 (1), the Authority may give an exemption under this Division either on its own initiative or on application.
- (3) Despite regulation 23, the Authority may give an exemption under this Division only if:
 - (a) the vehicle meets the requirements of subregulation (4); or
 - (b) the Authority is satisfied that there are other exceptional reasons why the vehicle should be exempted.
- (4) The requirements are:
 - (a) after failing to meet the standards in subrule 147A (4) of the *Australian Vehicle Standards Rules 1999*, the vehicle has undergone repairs; and
 - (b) after those repairs it still does not meet the standards; and
 - (c) the vehicle's owner provides to the Authority evidence that the vehicle satisfies all of the following requirements:
 - (i) all of the emission-control components fitted to the vehicle by its manufacturer are present and functioning correctly;

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- (ii) repairs to its air/fuel system have resulted in a reduction in its rate of emission of particles even though it still does not meet the standard in paragraph 147A (4) (b) of those Rules;
 - (iii) no modifications likely to adversely affect the vehicle's emission performance have been made to the vehicle.
 - (5) The Minister may publish a notice in the *«Gazette or equivalent of this State or Territory»* authorising the *«environment management authority of this State or Territory»* to grant exemptions under this Division.
 - (6) If the Minister publishes such a notice, a reference in this Part to the Authority is to be read, in relation to an exemption granted or to be granted under this Division, as a reference to either the Authority (within the meaning given by regulation 5) or the *«environment management authority»*.

40B Applicants to be told about decisions

- (1) This regulation has effect, in relation to an exemption granted under this Division by the Authority on its own initiative, to the exclusion of regulation 24.
- (2) As soon as practicable after the Authority grants such an exemption, the Authority must tell the person to whom the exemption is granted, in writing, of its decision, including when the exemption takes effect.

40C Application of regulation 25

In relation to an exemption granted under this Division by the Authority on its own initiative, regulation 25 has effect as if a reference to the person to whom the exemption is granted were substituted for the reference in paragraph 25 (a) to the applicant for the relevant decision.

40D Recognition of exemptions granted in other jurisdictions

If a competent authority of *«another State or a Territory or a State or another Territory»* exempts a vehicle from compliance with a law of that State or Territory corresponding to rule 147A of the *Australian Vehicle Standards Rules 1999*, the exemption has effect according to its terms in *«this State or Territory»*.

Schedule 2 **Text of the proposed Australian Vehicle Standards Amendment Rules 2002 (No.)**

(regulations 3 and 4)

1 Name of Regulations

These Regulations are the *National Transport Commission (Road Transport Legislation — Vehicle Standards) Amendment Regulations 2006 (No. 1)*.

2 Commencement

These Regulations commence on gazettal.

3 Purpose of Regulations

For section 7 of the *National Transport Commission Act 2003* (the *NTC Act*), these Regulations set out an amendment, developed by the National Road Transport Commission, to the *Australian Vehicle Design Rules 1999*.

Note 1 These Regulations must be made in accordance with the Agreement (see subparagraph 3 (b) (i) of the *NTC Act*).

Note 2 Subsections 48 (3) and (7) (which relate to failure to table regulations and to motions for disallowance of regulations) and sections 48A to 49 (which relate to re-making regulations) of the *Acts Interpretation Act 1901* do not apply to these Regulations (see subsection 7 (4) of the *NTC Act*).

4 Amendment of *Australian Vehicle Standards Rules 1999*

Schedule 1 amends the *Australian Vehicle Standards Rules 1999*.

Note 1 The *Australian Vehicle Standards Rules 1999* were originally prepared in the form of Regulations under the *Road Transport Reform (Vehicles and Traffic) Act 1993*, but were never made as Regulations under that Act. The text of the Rules is now set out in Schedule 1 to the ..., made under the NTC Act. Regulation ... of those Regulations authorises the citation of that text as the *Australian Design Rules 1999*.

Note 2 The text set out in the Schedule does not have the force of law (see paragraph 7 (2) (a) of the NTC Act).

Schedule 1 Amendments

(regulation 3)

[8] Before rule 149

insert

Subdivision A General

148A Measurement of stationary noise levels

- (1) For this Division, the stationary noise level of a motor vehicle is to be measured in accordance with the procedure set out for the kind of vehicle in the document entitled 'National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles' published by the Commission in April 2000.
- (2) In subregulation (1), ***Commission*** means the National Road Transport Commission established by the *National Road Transport Commission Act 1991* of the Commonwealth.

Note 'National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles' is available on the Commission's web site at www.nrtc.gov.au/publications/report-42.asp.

148B Meaning of ***certified to ADR 83/00***

For this Division, a vehicle is ***certified to ADR 83/00*** if approval has been given, under section 10A of the *Motor Vehicle Standards Act 1989* of the Commonwealth, to place identification plates showing compliance with ADR 83/00 on vehicles of that type.

[2] After rule 149

insert

Subdivision B Noise levels applying to pre-2004 vehicles

149A Application of rules in subdivision B

This Subdivision applies to a motor vehicle other than a vehicle certified to ADR 83/00.

[3] Rule 153

substitute

Subdivision C Noise levels applying to vehicles certified to ADR 83/00

153 Stationary noise levels

The stationary noise level of a motor vehicle that is certified to ADR 83/00 must not exceed, by more than 5 dB(A), the noise level that is established for the motor vehicle when it is certified.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.